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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHU LIN and DONALD HENRY WILLIS

Appeal 2009-006662
Application 10/078,877
Technology Center 2400

Before LANCE LEONARD BARRY, ELENI MANTIS MERCADER, and CARL W. WHITEHEAD, JR., *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the non-final rejection of claims 1-19. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

INVENTION

Appellants' Figure 2 is depicted below:

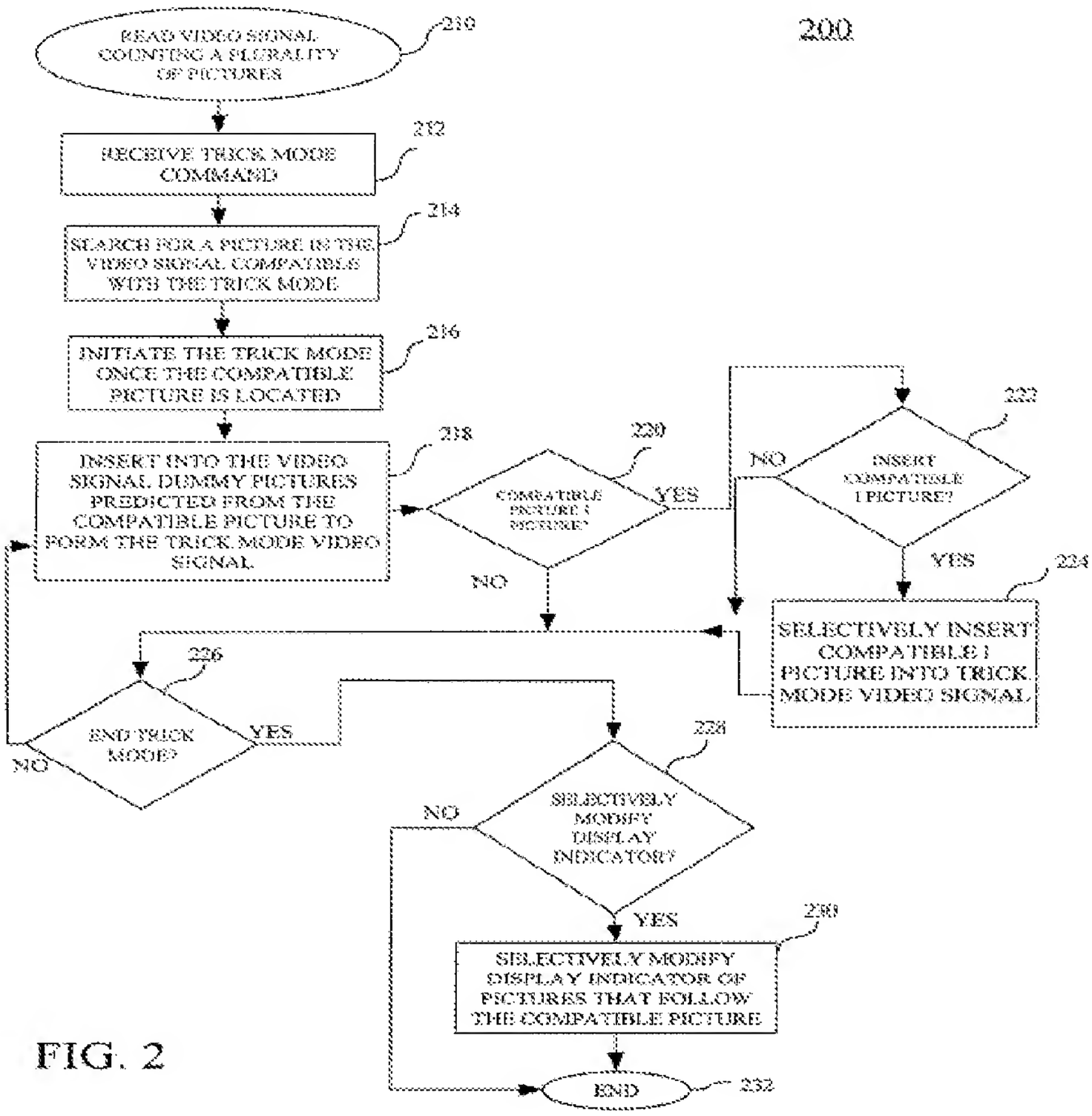

FIG. 2

Appellants' Figure 2 and claimed invention are directed to a video processor programmed to receive a trick mode command (212), search a plurality of original pictures for a picture in the video signal compatible with

the trick mode (214), and initiate the trick mode once the compatible picture is located (216). *See* Abstract; Spec. 9-10.

Claim 1, reproduced below, is representative of the subject matter on appeal.

> 1. A method of performing a trick mode on a video signal containing a plurality of original pictures, comprising the steps of:
>
> receiving a trick mode command;
>
> searching the plurality of original pictures in the video signal for a picture compatible with the trick mode; and
>
> initiating the trick mode once the compatible picture is located.

THE REJECTIONS

The Examiner relies upon the following as evidence of unpatentability:

Krause	US 5,949,948	Sep. 7, 1999
Keller	US 7,023,924 B1	Apr. 4, 2006

The following rejections are before us for review:

1. The Examiner rejected claims 1-19 under 35 U.S.C. § 102(e) as being anticipated by Keller.
2. The Examiner rejected claims 1, 2, 11, and 12 under 35 U.S.C. § 102(b) as being anticipated by Krause.

ISSUE

The pivotal issue is whether Appellants have shown that the Examiner erred in finding that either Keller or Krause teaches "searching the plurality of original pictures in the video signal for a picture compatible with the trick mode" as recited in claim 1.

PRINCIPLES OF LAW

"[T]he specification 'is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.'" *Phillips v. AWH Corp.*, 415 F.3d 1303, 1315 (Fed. Cir. 2005) (citation omitted).

"To establish inherency . . . 'the missing descriptive matter is necessarily present in the thing described in the reference.'" *See In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999) (citation omitted).

Although claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993).

ANALYSIS

I. Analysis with respect to the rejection of claims 1-19 under 35 U.S.C. § 102(e) as being anticipated by Keller.

Appellants argue (Br. 20) that Keller does not teach "searching the plurality of original pictures in the video signal for a picture compatible with the trick mode" as recited in independent claim 1 (emphasis added). Appellants explain that Keller teaches extracting a picture from the original stream but not searching for a picture compatible with the trick mode (Br. 21).

We are not persuaded by Appellants' argument. We agree with the Examiner's finding and reasoning (Ans. 9) stating:

> Keller specifically discloses wherein, upon initiation of a pause request, the server *finds* the next I-frame in the stream (column 38, lines 13-17). Thus, Keller clearly meets the limitation of "searching" the plurality of original pictures, as the system is actively looking through the incoming frames to identify the

> desired one, which is by definition a "search". It is unclear how the system would "find" the desired frame with[out] looking or "searching" for it.

The Examiner correctly interpreted the term "search" in view of Appellants' own Specification (Spec. 10:5-18), which defines a "search" as being performed to "locate" a compatible picture, which may be an I picture (Ans. 9-10). *See Phillips*, 415 F.3d at 1315. Thus, the Examiner appropriately determined that in order *to locate or find* an I picture upon the initiation of a pause request, the system has to *necessarily* "search" for an I picture. *See Robertson*, 169 F.3d at 745.

We also note, that while Appellants argue (Br. 21) that the term "compatible" picture means a picture that can predict other pictures in the video (Spec. 10), and while claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *See Van Geuns*, 988 F.2d at 1184. We further note that, contrary to Appellants' argument (Br. 21) regarding the compatible picture as a predictive picture, the disclosure teaches that the compatible picture can be a predictive picture or an intra picture (*see* Spec. 4; *see also* claims 2, 3).

Thus, we also agree with the Examiner (Ans. 11) that the claims place no limit on what types of pictures qualify as "compatible pictures." We agree with the Examiner (Ans. 11) that, in this case, Keller discloses that I frames are compatible with Keller's pause mode. Thus, Keller searches for the next I frame so as to successfully perform the pause which meets the disputed claim limitation as the found I frame is fully "compatible" with Keller's pause mode (Ans. 11).

We are also not persuaded by Appellants' argument (Br. 21-22) that Keller does not teach or suggest delaying the trick mode until the compatible

picture is found, because claim 1 does not recite such a delay limitation. Nonetheless, we also agree with the Examiner's explanation that Keller does teach such a delay and we adopt it as our own without having to repeat the reasoning herein (Ans. 11-12).

For the aforesaid reasons we will affirm the Examiner's rejection of claim 1 and for similar reasons the rejections of claims 2-19 for which Appellants repeated the same arguments as those presented for claim 1(Br. 22-36) and for which Appellants presented no additional arguments of patentability.

II. Analysis with respect to the rejection of claims 1, 2, 11, and 12 under 35 U.S.C. § 102(b) as being anticipated by Krause.

Appellants argue (Br. 39-40) that Krause merely refers to a stored Table to determine what type of frames are required for a playback mode and that Krause does not teach "searching the plurality of original pictures in the video signal for a picture compatible with the trick mode" as recited in claim 1.

We are not persuaded by Appellants' argument. We agree with the Examiner's cited findings of fact and analysis as enumerated below:

Krause discloses utilizing the Table to determine what types of pictures to utilize during different playback modes (column 7, line 47-column 8, line 6) so as to prevent transition artifacts (column 7, lines 47-50).

After identifying the desired picture Type, such as only I frame or I and P frames (see Table 1), the playback controller will only utilize the desired picture type during trick mode playback. As seen in Fig. 2, *the controller will look at incoming frames and determine if it corresponds to the desired type before selecting it for output* (column 8, lines 7-36). The system will search through the incoming frames, identify the desired frames compatible with the selected trick play mode (as

> indicated in Table I) and discard any that are not compatible. Thus, Krause clearly meets the current claim limitations, as he discloses searching through the incoming pictures for frames compatible with the desired trick play mode and only outputting those frames which are the desired ones.

Ans. 12-13 (emphasis added) (emphasis omitted).

Accordingly, for similar reasons as we articulated above under section I of our analysis, when the system looks for the desirable picture, the system in fact searches for that picture. Accordingly, we will affirm the Examiner's rejection of claim 1 and for similar reasons the rejections of claims 2, 11, and 12 for which Appellants repeated the same arguments as those presented for claim 1 (Br. 40-42) and for which Appellants presented no additional arguments of patentability.

CONCLUSION

Appellants have not shown that the Examiner erred in finding that Keller or Krause teaches "searching the plurality of original pictures in the video signal for a picture compatible with the trick mode" as recited in claim 1.

ORDER

The decision of the Examiner to reject claims 1-19 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

babc